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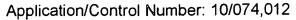
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APPLICATION NO.	√ FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,012	02/14/2002		Thomas O. Bales	06530.0290	6674
22852	7590	03/03/2004		EXAM	INER
	N, HEND	ERSON, FARA	GILBERT, SAMUEL G		
LLP 1300 I STRE	ET. NW		ART UNIT	PAPER NUMBER	
WASHINGT		20005	3736	10	

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)					
•	10/074,012	BALES ET AL.					
Office Action Summary	Examiner	Art Unit					
	Samuel G Gilbert	3736					
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a replection of the period for reply is specified above, the maximum statutory period. Failure to reply within the set or extended period for reply will, by stature than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).		nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 14 l	February 2002.						
,— ,							
Disposition of Claims							
4) ☐ Claim(s) 1-80 is/are pending in the application 4a) Of the above claim(s) is/are withdress 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-80 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/	awn from consideration.						
Application Papers							
9) The specification is objected to by the Examin	ner.						
10)☐ The drawing(s) filed on is/are: a)☐ ac	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the							
Replacement drawing sheet(s) including the corre							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreig  a) All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the pri  application from the International Bures  * See the attached detailed Office action for a list	nts have been received. nts have been received in Applicati ority documents have been receive au (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da						
<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 8:2/14/02.</li> </ol>		ate Patent Application (PTO-152)					
S. Patent and Trademark Office							



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#### **DETAILED ACTION**

## Information Disclosure Statement

The information disclosure statement filed 2/14/02 has been considered.

# Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-80 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,264,617. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences are obvious changes to the scope of the claims. The claims in the instant application are broader variations in the patented claims in that the claims in the application require radial teeth on only one jaw while the patent requires radial teeth on both jaws.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G Gilbert whose telephone number is 703-308-3553. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 703-308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Samuel G Gilbert Primary Examiner Art Unit 3736